

No. 15058

FINLAND
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

**Extradition Treaty (with schedule). Signed at London on
29 October 1975**

**Exchange of notes constituting an agreement extending to
certain territories the above-mentioned Treaty (with an-
nex). Helsinki, 12 May 1976**

Authentic texts of the Treaty: Finnish and English.

Authentic text of the exchange of notes: English.

Registered by Finland on 20 October 1976.

FINLANDE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD

**Traité d'extradition (avec tableau). Signé à Londres le 29 oc-
tobre 1975**

**Échange de notes constituant un accord portant extension à
certains territoires du Traité susmentionné (avec appen-
dice). Helsinki, 12 mai 1976**

Textes authentiques du Traité : finnois et anglais.

Texte authentique de l'échange de notes : anglais.

Enregistrés par la Finlande le 20 octobre 1976.

EXTRADITION TREATY¹ BETWEEN THE GOVERNMENT OF THE
RÉPUBLIQUE OF FINLAND AND THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND

The Government of the Republic of Finland and the Government of the United Kingdom of Great Britain and Northern Ireland;

Desiring to make a new treaty for the reciprocal extradition of offenders;
Have agreed as follows:

Article 1. The Contracting Parties agree to extradite to each other, in the circumstances and subject to the conditions specified in this Treaty, any person who, being accused or convicted of an offence to which Article 3 of this Treaty applies committed within the jurisdiction of the one Party, is found within the territory of the other Party.

Article 2. 1. This Treaty shall apply to:

- a) Great Britain, Northern Ireland, the Channel Islands and the Isle of Man and any territory for the international relations of which the United Kingdom is responsible and to which the Treaty may have been extended by common agreement between the Contracting Parties embodied in an Exchange of Notes; and
- b) Finland;

and references to the territory of a Contracting Party shall be construed accordingly.

2. The application of this Treaty to any territory in respect of which extension has been made in accordance with paragraph 1 of this Article may be terminated by either Contracting Party giving six months' notice to the other through the diplomatic channel.

Article 3. 1. This Article applies to a person who is accused or has been convicted, either as a principal or as a participant, of an offence coming within any of the descriptions of offences listed in the Schedule annexed to this Treaty or any other offence, provided that the offence is, according to the laws of both the requesting and the requested Party:

- a) one for which extradition can be granted, and
- b) punishable by imprisonment or other form of detention for more than one year or by the death penalty.

2. The extradition of a person accused or convicted, either as a principal or as a participant, of an offence to which this Article applies, other than an offence coming within any of the descriptions of offences listed in the Schedule annexed to this Treaty, may be refused if the requested Party so determines.

3. A person who has been convicted of an offence to which this Article applies shall not be extradited therefor unless he was sentenced:

¹ Came into force on 12 August 1976, i.e., three months after the date of the exchange of instruments of ratification, which took place at Helsinki on 12 May 1976, in accordance with article 20(1).

- a) to serve a period of imprisonment or other form of detention of which four months or more remain to be served, or
- (b) to the death penalty.

4. If under the law of the requesting Party the person sought is liable to the death penalty for the offence for which his extradition is requested, but the law of the requested Party does not provide for the death penalty, extradition may be refused, unless the requesting Party gives such assurance as the requested Party considers sufficient that the death penalty will not be carried out.

Article 4. 1. The Government of Finland shall not be obliged to extradite a national of Finland, Denmark, Iceland, Norway or Sweden and the Government of the United Kingdom shall not be obliged to extradite a citizen of the United Kingdom and Colonies.

2. If extradition is not granted in pursuance of paragraph 1 of this Article, the requested Party shall submit the case to its competent authorities for the purpose of prosecution.

Article 5. 1. Extradition shall not be granted if the person sought would, if proceeded against in the territory of the requested Party for the offence for which his extradition is requested, be entitled to be discharged under any rule of law of the requested Party relating to previous acquittal or conviction.

2. If criminal proceedings are instituted in Finland against the person sought for the offence for which his extradition is requested and the charge against him is waived, the Government of Finland shall not be obliged to extradite him for that offence.

Article 6. Extradition shall not be granted if the person sought would, according to the law of the requested Party, be immune by lapse of time from prosecution or punishment for the offence for which his extradition is requested.

Article 7. 1. A person sought shall not be extradited:

- a) if the offence for which his extradition is requested is regarded by the requested Party as one of a political character;
- b) if it appears to the requested Party that the request for his extradition has in fact been made for the purpose of prosecuting or punishing him for an offence of a political character or otherwise on account of his race, religion, nationality or political opinions; or
- c) if it appears to the requested Party that he might, if extradited, be prejudiced at his trial for the offence for which extradition is requested, or be punished, detained, restricted in his personal liberty or otherwise exposed to persecution of a serious nature, by reason of his descent, his association with a specific group of the population, his religion, nationality, political opinions or otherwise on account of political conditions.

2. Extradition may be refused on any other ground which is specified by the law of the requested Party.

Article 8. 1. Subject to the provisions of Article 19 of this Treaty the request for extradition shall be made through the diplomatic channel.

2. The request shall be accompanied by:

- a) as accurate a description as possible of the person sought, together with any other information which would help to establish his identity, nationality and residence;
- b) a statement of the facts of the offence for which extradition is requested;
- c) the text, if any, of the law:
 - i) defining that offence; and
 - ii) prescribing the maximum punishment for that offence; and
- d) a statement of the legal provisions which establish the extraditable character of the offence according to the law of the requesting Party.

3. If the request relates to an accused person, it must also be accompanied by a warrant of arrest issued by a judge or other competent authority in the territory of the requesting Party and by such evidence as, according to the law of the requested Party, would justify his committal for trial if the offence had been committed in the territory of the requested Party, including evidence that the person sought is the person to whom the warrant of arrest refers.

4. If the request relates to a convicted person, it must also be accompanied by:

- a) a document establishing the sentence, namely, the original or a copy of the sentence and evidence that the sentence is immediately enforceable;
- b) a statement showing to what extent the sentence has not been carried out; and
- c) evidence that the person sought is the person to whom the sentence refers.

Article 9. 1. In urgent cases the person sought may, in accordance with the law of the requested Party, be provisionally arrested on the application of the competent authorities of the requesting Party. The application shall contain an indication of intention to request the extradition of the person sought and a statement of the existence of a warrant of arrest or a judgment of conviction against that person, and such further information, if any, as would be necessary to justify the issue of a warrant of arrest had the offence been committed, or the person sought been convicted, in the territory of the requested Party.

2. The provisional arrest of the person sought shall be terminated upon the expiration of 30 days from the date of his arrest if the request for his extradition shall not have been received. However, this provision shall not prevent the re-arrest and extradition of the person sought if the request for his extradition is received subsequently.

Article 10. 1. If a request for extradition relates to an accused person, extradition shall not be granted unless there is:

- a) evidence that the offence for which his extradition is requested is one to which Article 3 of this Treaty applies; and
- b) evidence which would be, according to the law of the requested Party, sufficient to justify his committal for trial if the offence had been committed in its territory.

2. If a request for extradition relates to a convicted person, extradition shall not be granted unless there is evidence that he was convicted of an offence to which Article 3 of this Treaty applies, and that he is unlawfully at large.

3. If the requested Party considers that the evidence produced or information supplied is not sufficient to enable a decision to be taken as to the request, additional evidence or information shall be submitted within such time as that Party shall require.

Article 11. The authorities of the requested Party shall admit as evidence, in any proceedings for extradition, a sworn deposition or an affirmation taken in the territory of the requesting Party, any warrant, any copy of any such deposition, affirmation or warrant, and any document establishing a conviction or sentence, if it is authenticated:

- a) i) in the case of a warrant by being signed, or in the case of any other original document by being certified, by a judge or other competent authority of the requesting Party, or in the case of a copy by being so certified to be a true copy of the original, and
- ii) either by the oath of some witness or by being sealed with the official seal of the appropriate Ministry or Minister of the requesting Party, or
- b) in such other manner as may be permitted by the law of the requested Party.

Article 12. If in any particular case the requested Party so requires, the requesting Party shall supply a translation of any document submitted in accordance with the provisions of this Treaty.

Article 13. If the extradition of a person is requested concurrently by one of the Contracting Parties and by another State or States, either for the same offence or for different offences, the requested Party shall make its decision, in so far as its law allows, having regard to all the circumstances, including the provisions in this regard in any Agreements subsisting between the requested Party and the requesting States, the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality and residence of the person sought and the possibility of subsequent extradition to another State.

Article 14. 1. A person sought shall not be extradited until:

- a) it has been decided in accordance with the law of the requested Party that he is liable to be extradited; and
- b) the expiration of any further period which may be required by the law of that Party.

2. If criminal proceedings against the person sought are instituted in the territory of the requested Party, or he is lawfully detained in consequence of criminal proceedings, the decision whether or not to extradite him may be postponed until the criminal proceedings have been completed or he is no longer so detained.

Article 15. 1. If extradition is granted, the person sought shall be sent by the authorities of the requested Party to such convenient point of departure from the territory of that Party as the requesting Party shall indicate.

2. The requesting Party shall remove the person sought from the territory of the requested Party within such reasonable period as the latter may specify. If he is not removed within that period, the requested Party may refuse to extradite him for the same offence.

Article 16. 1. When a request for extradition is granted, the requested Party shall, so far as its law allows, hand over to the requesting Party all articles (including sums of money):

- a) which may serve as proof of the offence; or
- b) which have been acquired by the person sought as a result of the offence and are in his possession.

2. If the articles in question are liable to seizure or confiscation in the territory of the requested Party, the latter may, in connexion with pending proceedings, temporarily retain them or hand them over on condition that they are returned.

3. These provisions shall not prejudice the rights of the requested Party or of any person other than the person sought. When these rights exist the articles shall on request be returned to the requested Party without charge as soon as possible after the end of the proceedings.

Article 17. 1. A person shall in no case be kept in custody or proceeded against in the territory of the requesting Party for any offence other than an extraditable offence established by the facts in respect of which his extradition has been granted, or on account of any other matters, nor shall he be extradited by that Party to a third State, until he has returned or until the expiration of 45 days after he has had an opportunity of returning, to the territory of the requested Party.

2. The provisions of paragraph 1 of this Article shall not apply to offences committed, or matters arising, after the extradition.

Article 18. 1. Expenses incurred in the territory of the requested Party by reason of the request for extradition shall be borne by that Party.

2. The requested Party shall make all arrangements which may be requisite with respect to the representation of the requesting Party in any proceedings arising out of the request.

Article 19. A request on the part of the Government of Finland for the extradition of an offender who is found in any of the territories to which this Treaty has been extended in accordance with paragraph 1 of Article 2 may be made to the Governor or other competent authority of that territory, who may take the decision himself or refer the matter to the Government of the United Kingdom for their decision.

Article 20. 1. This treaty shall be ratified, and the instruments of ratification shall be exchanged at Helsinki as soon as possible. It shall enter into force three months after the date of the exchange of instruments of ratification.

2. This Treaty shall apply to any offence committed before its entering into force, provided that the offence:

a) is one to which Article 2 of the Treaty for the mutual surrender of fugitive criminals signed at London on 30 May 1924¹ (hereinafter referred to as the Treaty of 1924) would have applied; and

b) is one to which Article 3 of this Treaty applies.

3. On the entry into force of this Treaty the provisions of the Treaty of 1924 shall cease to have effect between Finland and the United Kingdom.

4. Either of the Contracting Parties may terminate this Treaty at any time by giving notice to the other through the diplomatic channel; and if such notice is given the Treaty shall cease to have effect six months after the receipt of the notice.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Treaty.

¹ League of Nations, *Treaty Series*, vol. XXXIV, p. 79,

DONE in duplicate at London this 29th day of October 1975, in the Finnish and English languages, both texts being equally authoritative.

For the Government of the Republic of Finland:
RICHARD TÖTTERMAN

For the Government of the United Kingdom
of Great Britain and Northern Ireland:
ROY HATTERSLEY

SCHEDULE

LIST OF OFFENCES REFERRED TO IN ARTICLE 3

1. Murder or attempt to murder
2. Manslaughter
3. Maliciously wounding or inflicting grievous bodily harm
4. Assault occasioning actual bodily harm
5. Rape
6. Unlawful sexual intercourse with a female under 16-years of age or attempt to commit any such offence
7. Indecent assault
8. Procuring or attempting to procure a female
9. Unlawful abortion
10. Kidnapping, abduction or false imprisonment
11. Stealing, abandoning, exposing or unlawfully detaining a child
12. An offence or attempted offence against the law relating to dangerous drugs
13. Theft, robbery, burglary or aggravated burglary
14. Handling stolen goods
15. Obtaining property or pecuniary advantage by deception
16. Blackmail
17. False accounting
18. False statements with intent to deceive by company directors and other officers
19. Offences against bankruptcy law
20. Offences relating to counterfeiting or forgery
21. Bribery
22. Perjury or subornation of perjury
23. Malicious damage to property
24. Any malicious act done with intent to endanger the safety of persons travelling upon a railway
25. Piracy, involving ships or aircraft, according to international law
26. Hijacking or attempted hijacking of an aircraft
27. Dealing in slaves
28. Genocide or attempt or conspiracy or direct and public incitement to commit genocide

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND EXTENDING TO CERTAIN TERRITORIES THE EXTRADITION TREATY OF 29 OCTOBER 1975

12 May 1976

Your Excellency

I have the honour to refer to the Extradition Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Finland signed at London on 29 October 1975.²

In accordance with Article 2(1) (a) of the said Treaty I have the honour to propose that the Treaty shall be extended to those territories listed in the Annex to this Note, for the international relations of which the Government of the United Kingdom are responsible.

If the foregoing proposal is acceptable to the Government of the Republic of Finland, I have the honour to propose that this Note together with Your Excellency's reply in that sense shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Finland, which shall enter into force on the date the Treaty enters into force in accordance with the provisions of Article 20 thereof.

I avail myself etc.

J. E. CABLE

A N N E X

Antigua	Montserrat
Bermuda	Pitcairn
British Antarctic Territory	St Christopher, Nevis and Anguilla
Belize	St Helena
British Indian Ocean Territory	St Lucia
Cayman Islands	St Vicent
Dominica	The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
Falkland Islands	Tuvalu
Gibraltar	Turks & Caicos Islands
Gilbert Islands	Virgin Islands
Hong Kong	

¹ Came into force on 12 August 1976, the date of entry into force of the Treaty, in accordance with the provisions of the said notes.

² See p. 169 of this volume.

II

Your Excellency,

I have the honour to acknowledge receipt of your Note of today's date, which reads as follows:

[*See note I*]

In reply, I have the honour to inform you that the foregoing proposal is acceptable to the Government of the Republic of Finland, who therefore agree that your Note together with its Annex and the present reply shall constitute an Agreement between the Government of the Republic of Finland and the Government of the United Kingdom of Great Britain and Northern Ireland, which shall enter into force on the date the Treaty enters into force in accordance with the provisions of Article 20 thereof.

I avail myself etc.
Helsinki, 12 May 1976.

KALEVI SORSA
